

INCUBATORS OF JIHAD – PART 1

In a landmark legal case, a member of the Royal Marines was sentenced to a minimum of ten years in prison on 6 December 2013, after being convicted of the murder of a Taliban fighter while on active duty. In summing up, the Judge Advocate General stated: “On 15 September 2011, while on patrol near CP Omar in Helmand Province, you shot an unknown Afghan insurgent in the chest and killed him. He had been seriously wounded having been engaged lawfully by an Apache Helicopter and when you found him he was no longer a threat... Although the insurgent may have died from his wounds sustained in the engagement by the Apache, you gave him no chance of survival.”

The key facts of the case are not in dispute, especially in light of the incriminating headcam footage. The mitigating circumstances surrounding the case have led to an outpouring of support for Marine A, however. Not only was he publicly named as Sergeant Alexander Blackman, thereby putting him and his family at risk of revenge; he was also made an example of. His supporters argue that he has been sacrificed on the altar of open justice.

The judge also ruled that two other Marines who were acquitted, known as B and C – along with D and E who had their charges dropped – should be named (a decision subject to appeal). Justice has been served with the conviction of Marine A, but one has to question the wisdom of subsequently naming everyone involved when nothing has changed since the men were first charged. Lifting anonymity poses not only a threat to the individuals involved and their families but to the wider armed forces community. Anything that could incite extremists at a time when the British Army is trying to conduct an orderly withdrawal from Afghanistan seems downright irresponsible.

When the anonymity order was initially granted, the judge stated the men’s anonymity would be upheld if they were acquitted. At the end of the trial the presiding judge changed his mind and said he would lift the anonymity order on all five. A Home Office expert assessed the DVD footage of the killing as the most inflammatory he had ever seen, and ruled it should not be made public, and yet the audio was released. It hard to see how naming the marines, especially Marine A, is any less inflammatory.

There is little confidence that Sergeant Blackman can be protected in prison – violence is now so endemic that authorities have considered issuing stab vests to prison

officers. To make matters worse, Category A prisons have in recent years been dubbed “incubators of jihad”. Muslims now make up almost 15 per cent of the prison population, so the Prison Service will have its work cut out protecting Marine A.

Whatever the facts of the case, your average Afghan could interpret Marines A-C’s conduct as a breach of Pashtunwali – “the way of the Pashtuns” – which is the Pashtun tribal code of honour. Families of those wronged could seek Badal (justice). To seek justice or take revenge against the wrongdoer in Afghan society usually equates to a family blood feud. Such feuds have no time limit; death has to be answered by a death or blood money.

A case in point is that of US Staff Sergeant Robert Bales who massacred 16 Afghan civilians in one of the worst atrocities of the Iraq and Afghanistan conflicts. Bales, 40, carried out a series of raids near a remote Kandahar province outpost in March 2012, where he stalked through mud-walled compounds and shot 22 people – 17 of them women and children. On 23 August 2013, having pleaded guilty at his court martial, he was sentenced to life imprisonment without parole and dishonourably discharged. Relatives of those he killed said he deserved death, however, while his lawyers argued that post-traumatic stress disorder and a brain injury were factors in the killings. “We wanted this murderer to be executed”, said Hajji Mohammad Wazir, who lost 11 family members in the attack by Bales. “We were brought all the way from Afghanistan to see if justice would be served. Not our way – justice was served the American way.” The Taliban said that “sick-minded American savages” committed the “blood-soaked and inhumane crime”. They promised the families that it would take revenge “for every single martyr”. Bales’ wife and children had to be sheltered at a US military base for their own safety.

In the UK, jihadists have made regular attempts to kill British service men. In three of the cases this is because they were named publicly. Two Nigerian men – Michael Adebolajo, 28, and Michael Adebowale, 22 – went on trial in late 2013 for the murder of soldier Lee Rigby on 22 May 2013 in Woolwich, South London. Similarly, a sniper spotter returning home to the Glasgow area received death threats from British-based al-Qaeda sympathisers in January 2010. Armed police were sent to his home after anti-terrorism officers uncovered a plot to murder his parents. The plans came to light



when the security services monitored “chatter” believed to be on mobile phones or the Internet between al-Qaeda extremists. The threats came after the serviceman was praised in the media for his skills during a tour in Afghanistan.

It was feared the terrorists planned to film the raid and post the footage on a jihad website. A senior security source told *The Sunday Mirror*, “The threat was credible and imminent. The family of this soldier were deliberately targeted. The threats came from a Muslim group based in Britain. Disturbingly they had traced the soldier’s family home.” *The Sunday Mirror* agreed not to identify him for his and his family’s safety.

In November 2009 *The Sunday Telegraph* interviewed two snipers serving in the reconnaissance platoon of the 1st Battalion Grenadier Guards in Afghanistan. They were not named amid fears that the men or their families might be attacked when they returned to Britain. One of the soldiers was interviewed during a medals parade at his regiment’s barracks, however, and a Ministry of Defence media representative gave out the soldier’s personal details.

Police conducted an assessment of the threat to the

soldier and his family and concluded, “There could be a “real and immediate risk” to their lives. The family was told to leave the country while a new army quarter was found; the soldier’s wife had to give up her job after the family moved, his daughter was taken out of school in the run up to her GCSEs, and panic alarms were fitted in the soldier’s new house. The MoD acknowledged there had been a breach in their duty of care to the soldier. Since his name was disclosed *The Sunday Telegraph* agreed not to name him.

A police armed response unit was also called to the home of an army sniper in September 2009 amid fears he was about to be murdered or abducted by al-Qaeda terrorists. The Corporal, who served with the Royal Regiment of Scotland, was one of a two-man sniping team, which shot 32 Taliban during a six-month tour in Afghanistan. The soldier was temporarily forced to leave his home, wife and family after his details were made public. *The Telegraph* agreed not to name him.

A separate plot by a Birmingham-based a-Qaeda cell to kidnap a British soldier and behead him was discovered in January 2007. The six-man terror cell was led by Paviz Khan, a 37-year-old father of three, who

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planned to kidnap a Muslim soldier and post a film of him being beheaded on the Internet in a bid to deter other members of the faith joining the British Army. The plan was thwarted by a year-long surveillance operation by the Security Service and members of the West Midlands Police counter-terrorist unit. Khan was later jailed for life.

In all cases where British service personnel are identified as having been involved in operations in Afghanistan there is an increased risk of them becoming the object of revenge attack in the UK. Nevertheless, the risk is substantially greater when they have been convicted of murdering an Afghan. Marine A is in a unique position and, by association, so are those who were tried with him and who formed part of the same operation; jihadis are unlikely to draw a clear distinction between Sergeant Blackman and the other members of the patrol who were with him when the murder was committed.

Sergeant Blackman will remain at risk of harm while in prison. In America, convicted US service personnel are held at a secure purpose-built hi-max military prison. The USDB is the US military's maximum security facility and is staffed by the 15th Military Police Brigade, of which the UK has nothing comparable. This is where Robert Bales is serving his sentence along with Major Nidal Hasan, the former US Army psychiatrist who was convicted for the 2009 massacre at Fort Hood that left 13 dead (including 12 soldiers) and 32 wounded. It is also where James Barker, Paul Cortez and Jesse Spielman are held after they were convicted for the 12 March 2006 rape and murder of an Iraqi family while serving in Iraq. It is also where those US soldiers who were convicted of abusing Iraqi prisoners at Abu Ghraib served their sentences.

Three Muslim convicts at HMP Full Sutton stabbed and battered a prison officer after seizing him for four hours on 26 May 2013 – a plan which is thought to have inspired the murder of Drummer Lee Rigby.

Throughout the incident, threats were made to kill the prison officer. Full Sutton is a maximum-security prison holding some of the most dangerous Category A and B inmates in the country – including dozens of terrorists. The guard suffered a broken cheekbone and wounds to his face and neck and was reportedly only freed after prison officers in riot gear stormed the cleaning room where he was being held. A female guard was also injured as she tried to stop the inmates from dragging away her male colleague. Notably the Ministry of Justice clarified that none of the men responsible are serving terror-related sentences, and declined to say what they had been jailed for.

On 7 May 2010 at HMP Wakefield (Category A) Indrit Krasniqi (Albanian), Ilyas Khalid and Quam Ogumbiyi (Nigerian) all practising Muslims attacked former Bosnian-Serb General Radslav Krstic, who was serving a 35-year sentence for his role in the massacre of Bosnian Muslims at Srebrenica in 1995. Krstic, 62, had his neck slashed three times. On 11 February 2011 his attackers were found guilty of “wounding with intent to commit grievous bodily harm” but were acquitted of attempted murder. Krasniqi was sentenced to life with a specified term of 12 years, Khalid life with a 10-year term and Ogumbiyi life with a six-year term. Krstic was transferred back to the Netherlands.

Finally, during 2007-2008, convicted Muslim terrorists Dhiren Barot and Omar Khyam were involved in a series of violent attacks on other prisoners at HMP Frankland (category A). A wave of tit-for-tat violence partly fomented by Barot and Khyam led to boiling oil being thrown over prisoners, stabbings, arson and attempts to destroy prison facilities. The situation has not improved in the years since.

In the Part 2, Anthony Tucker-Jones will examine the underlying reasons behind radicalisation in prisons and will examine the likely threat to Sergeant Blackman as he begins his sentence.

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Michael Adebolajo was found guilty in December 2013 of the murder of soldier Lee Rigby

